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**(Un)accountability: The Career of a Parisian
Commissaire de Police of the *Belle Époque*.**

Anja Johansen

Citizens' complaints provide fascinating insights into deviant behaviour among police personnel and how police managers deal with allegations of police malpractice. They also highlight the permeable boundaries between legality and illegality surrounding the actions of police personnel. Persistent allegations and evidence of police wrong-doing suggest that police often benefit from impunity when violating citizens' rights and breaching legal boundaries. Deviant police officers present police chiefs with the managerial dilemma of either disciplining the erring officer – and thereby implicitly or explicitly admit fault on the part of the police organisation – or justifying or denying the acts of the policeman with the risk of alienating the complainant, and perhaps the wider community.

This chapter investigates these ambiguities through a micro-study of the dubious professional record of one particularly deviant Parisian *Commissaire de Police*, Léon Alexandre Kien, who was the object of persistent complaints and numerous disciplinary investigations between 1897 and 1918. Kien's well-documented career provides rare insights into citizens' grievances against police malpractice, as well as

the functioning of disciplinary procedures within Paris' police and the handling of problem officers by successive police prefects. This micro-history serves as prism to reflect much broader aspect of police-public relations, which are otherwise difficult to study and contextualize due to limited documentation.

Improving the relationship with the public first emerged as a concern within the Paris police by the late nineteenth century, when Police Prefect Lépine sought to raise professional standards and increase the prestige of the force among the population. However, no formalised complaints procedures were developed, as this would inevitably commit the police chiefs to engage with the criticism from citizens. So while complaints procedures became part of the legitimising police rhetoric in other European countries – no matter how remote from the actual reality – the Paris police remained seemingly impenetrable to citizens' grievances about police malpractice.

The Paris police force of the Third Republic has had a very mixed press: voices from the left-liberal and socialist camp scorned the Paris police in the 1870s and 1880s for poor professional standards, for not respecting citizens' rights and for allowing personnel with anti-Republican Bonapartist sympathies to run riot against political activists on the republican and socialist left.¹ From the 1890s, voices appeared from the far-right, who complained about police corruption and politically motivated police attacks on their supporters.² Allegations as well as major scandals showing brutal or illegal policing practices continued to affect the reputation of the Paris police force through the interwar years and the Nazi occupation into the 1960s with bloody crack-down on Algerians and student protesters.³ These episodes of police malpractice added to what Berlière and Lévy recently described as 'the weight of history', by further

feeding a 'black legend' of conspiracy theories and allegations of systematic police violence and corruption.⁴

The main narrative by French historians has vacillated between highly critical assessments of policing in times of conflict, and sympathetic, sometimes apologetic, justifications of successive Republican governments, who repeatedly closed their eyes for malpractice and justified a system whereby police forces had almost no direct accountability towards the citizens. This is often explained by the Third Republic's need to ensure loyalty from the police, the *gendarmerie* and the army. Successive interior ministers therefore carefully avoided conflicts with the Paris police, responsible as it was for the security of all key republican institutions.⁵ As a result, dubious policing practices were tolerated and police managers were allowed to exercise internal organisational discipline without much interference from government and judiciary.

It was only from the 1990s, when police scholars and historians began to look closely at the Paris police force, that the basis was created for a better understanding of the practices of the police prefecture in a wider context. The research by Jean-Marc Berlière as well as a younger generation of police scholars has done much to counter the 'black legend' of French – and notably Parisian – policing of the nineteenth and twentieth centuries.⁶ Berlière in particular has insisted on the gradual improvement of policing standards (better education, professionalization, and discipline) during the twenty-year period from 1893 to 1913, when Lépine headed the Paris police prefecture. That the Paris police force got more professional and disciplined is undoubtedly true. However Lépine was caught between his managerial concerns for

professionalism and discipline on the one hand and, on the other, his insistence on never publicly admitting fault on the part of the police.

The micro-study of *Commissaire Kien*'s professional conduct – at the edge and sometimes beyond the law – reflects important aspects around crime and deviance among police personnel. It highlights that it was not just Kien's unacceptable behaviour, but also the official police denial, that alienated and frustrated Parisians, even stout republicans and natural supporters of law and order.

Modern research on police deviance provides a useful framework by which to assess and contextualize Kien's professional conduct and the reluctance of Lépine to seriously discipline his persistent malpractice. Gottschalk distinguishes between three types of transgressive behaviour.⁷ At the most serious end is actual criminal activity (corruption for personal gain, theft from a crime scene, involvement in organised crime, homicide or violent assault where the policeman's profession is incidental to the act). These should be distinguished from what he terms 'functional misconduct' i.e. breaches of the articles in the Penal Code which are specifically related to the professional functions and powers of the policeman (abuse of authority, excessive violence against prisoners or members of the public, evidence manipulation and perjury, unauthorised disclosure of information).⁸ Because these breaches are often – although not always – committed in order to achieve efficient law enforcement and crime fighting, such behaviour is the least likely to be sanctioned by police managers as they are often justified with reference to 'effective policing'. At the least serious end of the spectrum, Gottschalk identifies what could be termed police 'occupational deviance' (sleeping, drinking, absenteeism), which are breaches of disciplinary rules,

but only occasionally criminal.⁹ The allegations against Kien fall within all three categories, although only the 'functional misconduct' and the 'occupational deviance' were substantiated by the disciplinary investigations. It is also worth noting that none of his transgressive behaviour promoted effective crime fighting or order-maintenance.

Kien's case illustrates two important features of police non-accountability of the early twentieth century. In the first place, it shows how a persistent offender against procedures, legal boundaries, professionalism and good policing practice was allowed to occupy the position as police station master despite a lengthy trail of complaints and disciplinary investigations. The other feature is how in France, concerns from members of the public were left in a procedural limbo a long time after other European countries, like Britain or Prussia, had established formal procedures for the handling of citizens' complaints.

The micro-history of Kien's catalogue of malpractice allows unique insights into how citizens' complaints were handled within the Paris police prefecture. The following analysis looks at the complaints raised against Kien (II), the problems arising from inadequate complaints procedures (III), the handling of complaints against Kien by the internal disciplinary body (IV), and the culture of patronage within the police which may have emboldened Kien in his persistent misbehaviour (V).

II

A recent study into offending police officers in the London Metropolitan Police of the twenty-first century makes two observations which are relevant to contextualising Kien as a deviant police officer: That a small proportion of individuals account for the major proportion of deviant behaviour and that, most often, police managers are aware of who the 'problem officers' are.¹⁰ The features that characterise 'problem officers' are i) early onset of offending behaviour; ii) late desistance i.e. at what stage the officer ceases to cause disciplinary problems; iii) frequency of offending behaviour; and iv) length of career.¹¹ In all respects, Kien's disciplinary record identifies him as a 'problem officer'. Yet, despite being the object of numerous complaints and allegations of serious misconduct, he was consistently promoted and ended his career as *commissaire classe exceptionnelle* and retired with full pension. Moreover, it is clear that Police Prefect Lépine was aware of Kien's disciplinary problems as early as 1897, if not before.

From his personnel file, which is kept in the Archives of the Paris Police Prefecture, we can follow Kien's background and professional progress.¹² He was born in 1863, the son of an *ex-brigardier* and a mother who had been a domestic servant.¹³ Kien's educational attainment of a *baccalauréat* (secondary school diploma) identifies him as (lower) middle-class and allowed him to join the Paris police at clerical level as *secrétaire suppléant* (assistant clerk).¹⁴ Kien therefore never occupied the lower ranks as street police, nor did he have any background in the army beyond the compulsory military service, unlike most of the men recruited for the lower ranks. Instead, the position as *secrétaire suppléant* (assistant clerk) functioned as practical training for men who would proceed to managerial posts at the middle or upper ranks of the police

hierarchy.¹⁵ Kien joined the police in 1888,¹⁶ five years before Lépine became police prefect of Paris. His recruitment was therefore not subjected to the same stringent scrutiny as later candidates,¹⁷ but all his promotions happened under Lépine. Over the following seven years he fulfilled secretarial functions at six Parisian police stations, before being promoted from 1895 to *commissaire* in several municipal forces just outside Paris. These posts functioned as springboard for his applications to three successive posts as *commissaire* at police stations under the Paris police prefecture between 1901 and 1918.¹⁸

As *commissaire*, Kien was the head of one of the eighty Parisian police stations¹⁹ with managerial responsibility for a staff typically including one clerk, a *secrétaire suppléant* (assistant clerk), as well as a number of *inspecteurs* and *gardiens de la paix* (police constables).²⁰ In addition to his managerial role, his core functions were judicial, as he fulfilled many of the traditional functions of a *juge de paix* (roughly equivalent to a justice of peace) alongside administrative responsibilities for record-keeping and accountancy within the police station.²¹ The post gave him status as *fonctionnaire* (civil servant) which, among other advantages, gave him a particularly protected position against legal challenges from members of the public. Within the Republican hierarchy, the post was considered sufficiently senior for his names to appear in the *Almanach national*, which listed all the occupants of leading official positions in the French Republic. We can see from Kien's activities that as *commissaire* he was involved in crime fighting and law enforcement according to his own discretion. The complaints against him were not related to him appearing at the home of suspected criminals alongside detectives or his involvement in fist-fights with anarchists, as this was perfectly within his remit. Yet, while Kien was in a position to largely define which police

functions he would take active part in, he showed great ignorance or contempt for legal boundaries and procedures during such interventions.

Early evidence of serious problems surrounding Kien dates from 1897, with a letter of complaint from a group of middle-class citizens of Asnières, alleging that Kien had criminal connections.²² We have no way of knowing whether this was the beginning of his professional misconduct, or whether previously allegations of dubious connections and disrespect of legal boundaries had simply been ignored by his superiors and tolerated as 'normal'. However, by the turn of the century his professional conduct looked increasingly deviant: it was obviously considered unacceptable by members of the public and his superiors began to take notice. Between 1897 and his retirement in 1918, he managed to clock up at least seventeen disciplinary investigations – although because of the inconsistent recording of such cases, it is possible that there were more.

Kien comes across as the stereotypical ill-behaved Parisian *commissaire*, almost to the level of caricature, as described by Yves Guyot²³ and later by Ernest Raynaud²⁴ for the 1880s: a rough, often semi-illiterate, former soldier of low social origins and professionally socialised into his police function under the Second Empire. Such characters were supposed to have been weeded out by Lépine's introduction of higher professional standards, stricter disciplinary procedures, and more rigorous recruitment criteria. The raising of standards among the rank and file as well as amongst station masters was a managerial priority not only for Lépine but amongst police chiefs across France. Thus, *Commissaire* Pelantant from Grenoble most specifically emphasised high expectations to moral and professional conduct from police managers as role

models for their subordinates.²⁵ Contemporary observers as well as historians agree that, by the first decade of the twentieth century, standards had improved considerably in all ranks.²⁶ Berlière also cites the decline in the annual number of dismissals and resignations between the 1870s and the 1890s as evidence of real improvement in quality of personnel.²⁷

The disciplinary record of *Commissaire* Kien throws some doubts both over the actual achievements, as well as over the root causes of ill-behaved police officers. While many of the behavioural problems of rudeness and brutality were presumed to stem from low levels of formal education and low social origins²⁸ no such excuse could be made for Kien. Unlike the caricature of the *commissaire* of the 1880s, Kien did not lack education. Rather, with his *baccalauréat* diploma, he was considered 'educated'. Nor can the multiple complaints about his vulgar and often violent behaviour towards members of the public be explained as caused by growing up amongst the rough and ignorant. Instead we can suggest that a combination of his personality, the extensive powers he enjoyed as head of a police station, as well as the lack of any meaningful consequences emerging from the multiple disciplinary investigations against him, gave little incentive for him to change his professional style. Despite Kien's professional and personal shortcomings being well-known to Lépine, this old disciplinarian vehemently defended his man against any outside criticism, and it was only after Lépine's retirement in 1913 that Kien began to face serious consequences for his professional conduct. We will address the probable reasons for this staunch protectionist stance in Part V below.

Another question emerging from Kien's dubious professional record is why it proved almost impossible for complainants to obtain any form of redress or acknowledgement of fault against the Parisian police? Kien's behaviour may have been grudgingly tolerated in the 1880s. However, by the turn of the century, with rising popular expectations to police professionalism, Kien's behaviour was increasingly perceived as intolerable, not only by the public but increasingly also among his superiors.

The collection of complaints and investigations against Kien are key to our understanding of the power relations between an ill-behaved police *commissaire* and frustrated members of the public, as it gives us unique insights into how complaints against the Paris police force were handled within the organisation. The documentation about citizens' complaints against the Paris police is limited, and the complaints and investigations against Kien constitute by far the best documented against any individual police officer. The majority of complaints cases appear in personnel files, while an additional 180 cases are filed in two dossiers covering the years 1896-1911.²⁹ It is not clear why these cases have been filed separately, and we have no way of knowing how representative these cases are. The first dossier, starting in 1896, contains only complaints against the *commissaires* in Parisian police stations. The dossier starting in 1907 on the other hand, includes complaints against all personnel at Parisian police stations. This suggests that while managerial control of the lower ranks had previously been left to the *commissaire* at local police stations, from 1907, there was a move towards closer scrutiny from the chiefs within the police prefecture.

Seen from the perspective of ordinary Parisians, complaining against the police was a tortuous process, with limited prospect of any tangible outcome, and with the added risk that a complaint against a local police employee might create a lot of trouble for the complainant. The fact that many of the allegations were made anonymously reflect the fear of consequences that complainants might legitimately have experienced. Nevertheless, the documents relating to Kien and citizens' complaints against other officers also reveal that Parisians from all creeds and casts voiced their dissatisfaction. Well-connected members of the social and political elites as well as ordinary people with no connections or protection complained about the police.³⁰

The complaint narratives cover a range of allegations. There are some expressing concerns about disciplinary failings (non-intervention against criminals, policemen being drunk on duty or absent from duty and/or sloppiness in professional standards). The vast majority of complaints though refer to behaviour that was perceived to be 'unacceptable' by both the complainant and often the wider public, if one is to believe the reporting of individual cases in the press. Although not strictly in breach of formal rules, the complaints against Kien of rough and impolite police behaviour were typical. Such police behaviour violated the ever rising popular expectations that policemen should be forthcoming and respectful, while rigorously observing procedures and legal boundaries, particularly where the rights of citizens were at stake. Finally, a substantial number of complaints contain allegations of breaches of the paragraphs in the Penal Code which placed restriction on police behaviour in relation to members of the public (excessive violence, breach of legal boundaries, illegal arrests, perjury, corruption or allegations of involvement in criminality). The complaints against Kien are thereby typical for complaints in general, but the seriousness of Kien's behaviour and the

persistence of complaints across two decades marks him out as unusual. What is particularly noticeable is the disconnect between what members of the public saw as 'problematic' and what police chiefs seemed to perceive as 'problematic' police behaviour. As complainants had few means to force police chiefs to act upon complaints, or even register them formally, there was very limited space for meaningful conversation between aggrieved citizens and police authorities.

By the turn of the twentieth century, a new player appeared on the scene in the form of the *Ligue des droits de l'homme* (The League of Human Rights, hereafter LDH). This civil rights organisation was formed in 1898 on the basis of networks built up over the previous years in support of Captain Alfred Dreyfus.³¹ Within the first two years of its existence, the LDH grew to become a mass organisation with considerable financial muscle enabling it to engage in individual complaints against any public authority. The LDH provided an extremely influential, informed and well-connected ally for aggrieved citizens, and quite a few of the high profile complaints cases from after 1903 were supported by the LDH. These included at least two cases against Kien, as we shall see below. This gave complainants access not only to first-class legal advice, but also to publicity for their case, both in LDH's bi-monthly newsletter for members and also in the wider public media, because major Parisian newspapers such as *L'Aurore*, *Le Temps*, *Le Siècle*, *La Lanterne* and *L'Humanité* had close links to leading members of the LDH. Yet, even with its considerable resources and leading members among the political, judicial and media elites, the LDH had difficulties getting very far with actual complaints cases against Paris police personnel.³²

One key problem in this respect, was the absence of any concept of 'citizens' complaints' against the police in French law or procedural practice. In legal terms then, it was only possible for members of the public to challenge the police with two very specific types of complaints. A case could be presented before the administrative courts if an individual could establish a legal claim that questioned or overrode a specific police decision or act. Such cases typically concerned requests for individuals being except from general rules or compensation claims for loss or damages caused by police actions or non-actions. The other type of complaint from the public that was recognised in law was alleged breaches of the Penal Code, specifically the paragraphs concerning illegal arrest, abuse of power, or perjury. Such complaints could – in principles at least – be raised with the public prosecutor and if substantiated, be tried at the criminal tribunals. In practice, however, it was almost impossible to bring a criminal prosecution against police personnel for such offences, as we will see. In addition to administrative challenges and criminal allegation, members of the public could also notify the police authorities about police personnel failing in relation to disciplinary matters.

The consequence of the structuring of complaints against the police exclusively around administrative claims, and allegations of breaches of criminal and disciplinary codes was that any complaint which did not fit into these three categories fell into a legal-procedural void. There were no rules or procedural framework around 'behavioural complaints'. For instance, it was not stated that citizens had the right to complain, nor did any rules or procedures exist for how the authorities were supposed to process 'behavioural complaints'. By the late nineteenth century, this institutional deficiency distinguished the French system from other European countries. The

London Metropolitan police pioneered the first formal citizens' complaints scheme for the handling of 'behavioural complaints' by 1831.³³ Similar procedures were later extended to country and borough police across Britain.³⁴ In Prussia, the 1883 legislation on regional administration established formal complaints procedures relating to police behaviour alongside procedures for complaints against other public authorities.³⁵

In nineteenth century France, some elements of a 'police complaints system' did exist in the sense that members of the public could not be prevented from expressing their grievances. People complained verbally at the local police station or sent letters of complaint to local police chiefs, to the Paris police prefect, to the interior minister, or to any person with some influence within the establishment who might bring the complaint to the attention of the relevant police authority. According to Guyot, the Parisians of the 1880s complained all the time, but the police just took no notice.³⁶ The micro-history on Kien's career reveal that by the turn of the century, at least the Paris police prefecture began to do just that.

In the absence of a formalised complaints procedure, historians rely on the micro-study of individuals as these provide a rare window into how the police handled complaints from members of the public. The micro-study of cases against Kien and other senior police personnel reveal that the internal police disciplinary body, the *contrôle général*, came to play a central role in investigations and decision-making. Indeed, many of the complaints dossiers include investigative reports from the *contrôle général*. We can see that some complaints were addressed either directly to the police prefect while many were forwarded to the police prefect from other recipients. Most

importantly, these cases reveal that allegations about criminal acts which complainants sent directly to *le procureur de la république* (the public prosecutor), and which should have been investigated by the prosecution authorities, were often forwarded without prior investigation to the police prefect to be investigated by the *contrôle général*. This transfer of criminal allegations for arbitrary arrest, misuse of power, excessive violence and perjury committed by police personnel from the *procureur* to the *contrôle général*, meant that such allegations were handled as disciplinary matters rather than criminal acts. This helps to explain why French courts only played a very minor role in keeping Parisian policemen to account. It was far more difficult in the French system to bring a civil or criminal prosecution against serving police officers than in Prussia or Britain, although in neither of these jurisdictions was prosecution of police personnel by any means an easy process.³⁷ In Paris, investigations of all types (criminal acts, disciplinary issues and behavioural complaints) all ended up with the *contrôle général*. This was not correct procedure according to the Code of Criminal Procedure, but complainants had no way of knowing that this was how the system worked in reality.

Nevertheless, within these limitations, the *contrôle général* functioned highly professionally and effectively as a disciplinary investigation body, with the production of reports which were mostly characterised by rigorous investigations of events. Unfortunately, as we can see again and again in the reports produced on Kien, the conclusions drawn by the *contrôle général* do not always seem logical in relation to the actual findings. This discrepancy can be explained by the dual function of these reports. On the one hand, their main purpose was to serve as a managerial tool to provide the police prefect with accurate and detailed insights into the performance and

possible failings of his personnel. On the other hand, the reports needed to reach conclusions justifying why the police prefect should not take further action beyond possibly suggesting some sort of internal disciplinary sanction.

This again helps to explain some of the fundamental tensions within the Paris police force under Lépine. Undoubtedly, under his leadership, the Paris police had become a far more disciplined and professional corps, with younger generations having benefitted from compulsory school education, combined with the development of professional training after 1883.³⁸ Although problems of impoliteness, rudeness, violence and alcoholism continued to be major causes of disciplinary action throughout the pre-First World War era,³⁹ the increasingly tight discipline did much to improve standards of policing, particularly amongst lower ranking police personnel.⁴⁰ However, it is clear that the investigations and reports from the *contrôle général* were not geared towards public relations and did not reflect popular understandings of what constituted unacceptable and transgressive acts by policemen. The micro-study of the investigations against Kien show that the reports from the *contrôle général* only very partially and inadequately addressed behavioural issues as perceived by members of the public, despite the recognition amongst police managers of the need to improve relations with the public. By treating all types of complaints as managerial issues of discipline, the police authorities missed an opportunity to engage with citizens' concerns. The cases against Kien confirm what frustrated citizens had long complained about, namely facing something of a brick wall when complaining about unacceptable police behaviour. With no formal right to complain and no formal procedures to follow, aggrieved citizens had no way of knowing how their complaints

were being processed – if at all – and police authorities were under no obligation to inform them about the handling or outcome of the associated investigations.

IV

Among the many cases found in the special ‘complaints dossiers’, *Commissaire* Kien has the dubious honour of being the only police officer who became the object of several complaints – five in all – in addition to another twelve which were kept in his personnel file.⁴¹ The micro-study of Kien provides a rare opportunity to place his deviant behaviour in context with other senior police officers. Together the many unrelated complaints provide a detailed picture of a man with extremely unpleasant manners, complete disrespect for legal boundaries and due procedures, as well as serious problems of anger-management

What is more significant, the micro-study reveals that his multiple professional failings were known and recognised by the *contrôle général* as early as 1897. These include lax professional standards, disregard for correct procedures and legal boundaries; evidence of sloppy book keeping and frequent absenteeism; rude and sometimes violent approach to members of the public. Added to this, came multiple allegations about drunkenness, gambling, socialising with known criminals as well as local pimps and madams. These problems were repeated in other complaints during his later years as head of the police stations at Enfants-Rouges, Porte de Saint Denis and Ternes. This should have identified him early on as unsuited to a managerial post such as head of a police station, but it is only by 1916 that a note to that effect was entered on his professional record. Over two consecutive years in 1916 and 1917, an entry about professional qualities reveals the unambiguous assessments of Kien’s

leadership qualities. On the question 'Does he have the ability to lead an important department', the answer is categorically 'No'. This is followed by the character assessment: 'Intelligent, but insufficient moral authority' (1916) and 'Intelligent, but lacking in character and not outstanding' (1917).⁴²

Problems were evident from early on in Kien's role as station master in Asnières, a northern suburb of Paris. The first complaint received in 1897 concerned his heavy-handed intervention in a civil dispute between a lady and her wet-nurse over a sum of 46 francs owed by the wet-nurse to her employer. The report from the *contrôle général* relates in detail how Kien overstepped his authority by going to the private address of the wet-nurse's sister to seize cash in drawers and purses to meet the required sum of money.⁴³ The report concludes that there was no need for the police to forcibly seize the money, and the employer had only asked for *Commissaire* Kien to act as a neutral deal-broker. In a letter from Lépine to Kien, the police prefect does not mince his words. He stated:

'I have read with regret the findings of the inquiry by the *contrôle général* ...You have committed an arbitrary act, for which I cannot condemn you strongly enough (*je ne saurais trop sévèrement vous blâmer*)...I invite you to return, as quickly as possible, the sum of money to Mademoiselle Hué which she has been forced to hand over in unacceptable circumstances (*dans des conditions inadmissibles*).'⁴⁴

Two additional complaints were filed that year: one was addressed to the Police Prefect by a M. Schwartz about Kien's rude and illegal handling of a dispute between him and a couple of former employees.⁴⁵ This resulted in a very long report from the *contrôle général*, which ultimately exonerated Kien. Yet, while this investigation was

being conducted by the *contrôle général*, an article appeared in *Le Journal* which complained about Kien spending most of his time at the racing courses at Compiègne while Asnière was plagued by a wave of burglaries and violent attacks.⁴⁶ This led to yet another investigation by the *contrôle général*. Over three months, Kien was the subject of a so-called 'discrete inquiry' which means that inspectors from the *contrôle général* were observing his comings and goings around the clock but without his knowledge. This was only the first of a series of similar undercover investigations that Kien was subjected to during his career. The final report of November 1898, although largely exonerating Kien for allegations of spending too much time at the race courses at Compiègne, reveals a rather unsettling picture of his lifestyle and professional conduct.⁴⁷ Local residents, who had been interviewed by the investigators, described Kien as showing little interest in the issues they reported to the police. They found him *grossier* (rude) and lacking in a sense of duty, and seven named middle-class residents complained about being treated without due politeness. More specifically, the report mentions that Kien frequently visited the *Café du Théâtre* and *Café Concert Colin*, but no evidence that he '*eut des relations avec des femmes*' (was having relationships with 'women') could be found, indicating nonetheless, that allegations of his engaging with prostitutes had been made. This is followed by a sentence which seems to imply that his previous conduct was not exactly irreproachable either: 'He has just got married, and over the past month he appears to have moderated his lifestyle (*avoir modifié son genre d'existence*)'. The report concludes that the allegations about Kien's lifestyle were 'exaggerated', although it does not contradict the substance of the allegations. It concludes that 'Kien lacks a bit of manners and discipline; he is often absent and as a result neglects his duties (*négligeant par suite*

son service), but one may hope that being married will have a moderating effect on his habits.⁴⁸

It did not. When Kien became *commissaire* at the police stations first at Enfants Rouges, then at St. Denis, he managed to acquire at least three more complaints, with at least one leading to disciplinary investigation.⁴⁹ He then moved to the police station in Ternes in late 1905, where he remained until retirement in December 1918.⁵⁰ These professional moves were the result of Kien applying for more attractive and prestigious posts, and not the result of managerial decisions that could be regarded as demotion.

The micro-study of Kien as a ‘problem officer’ also allows investigations into whether there was a wider public story to the individual complaints against him. Because of his unusual surname it is possible to track him in the press, and such press reports sometimes offer important clues about the wider context and the public reputation of individual police officers, despite the accounts often being flawed by errors and political bias. In the case of Kien, we do find that he acquired a certain public reputation in the course of his career. In the late 1890s, while *commissaire* in Asnière, at least two long newspaper articles appeared, both concerned with his sloppy professional conduct. As mentioned above, one article appeared in *Le Journal* which led to the first undercover investigation against him. Two years later Clemenceau’s Parisian daily *L’Aurore*⁵¹ published similar claims of sloppy professional conduct and unacceptable behaviour towards members of the public. Despite these articles, Kien does not appear as a ‘known’ entity beyond his local area, and over the following decade his name is only mentioned very occasionally. It was only by 1908-1909 that the Parisian

press began to notice him as a 'problem officer', when he was linked to a string of badly handled personal interventions.

In July 1908 for example, Kien and two police officers entered a restaurant of dubious reputation with great fanfare to arrest some of the regular customers whom Kien suspected of Anarchist activities. He also sought to seize a red banner which Kien found politically offensive.⁵² Unfortunately, however, he had underestimated the readiness of these men to put up a fight, and Kien himself got a very bad beating before being eventually rescued by the two policemen under his command.⁵³ This subsequently led to the arrest of two cap-drivers, Maurice Girard and another – variably referred to as 'Jacques' or 'Jacquart' – both accused of the attack on Kien. In the court case against the two cap-drivers running over January and February 1909, Girard and Jacquart were supported by the LDH, who maintained that the two were innocent.⁵⁴ The defence claimed that the two cap-drivers had been arrested solely on the basis of testimony by the two police officers present, despite plenty of evidence that both Girard and Jacquart were far from the restaurant in question at the time of the attack.⁵⁵ The case against Girard and Jacquart was eventually abandoned. However, Kien had become noticed by the Paris press nonetheless.

Only a few months after this event, Kien's unfortunate public image was further established by the mishandling of an investigation against a Mademoiselle Pellet (or Pelet), which became a *cause célèbre* of police incompetence and malpractice.⁵⁶ The Pellet case even led Prime Minister Clemenceau to contact Lépine to complain about Kien. Clemenceau had become aware of the case through the LDH and extensive press reporting.⁵⁷ Kien had transgressed his mandate by illegally interrogating a young

girl because a jealous wife suspected that her husband was having an affair with the teenager. Clemenceau requested Lépine to discipline Kien,⁵⁸ but Lépine stood by his man, categorically denying that Kien was guilty of any error. According to Lépine, the mishandling of the Pellet case was all the fault of the examining magistrate.⁵⁹ Nevertheless, the letter that Lépine addressed to Kien employs a very different tone and shows the discrepancies between his unwillingness to admit errors to anyone outside the police, such as Clemenceau, and the tone he used internally towards his subordinates:

‘The way you proceeded in this case was absolutely contrary to the powers accorded to you by law, and I ask you to take notice of the observations that I put to you concerning this cases, so that in the future your professional conduct adhere strictly to these principles’.⁶⁰

The micro-history of Kien’s career also allows us to follow the changing tides at the top management within the Paris police prefecture, which preceded his resignation in late 1918. Patience with Kien seems to have finally run out by June or July 1913. The changed attitude towards Kien from his superiors within the police was most likely a consequence of Lépine having retired earlier in 1913. The new man heading the Paris police, Célestin Hénnion, came in with an agenda of further tightening recruitment policy and internal discipline.⁶¹ Compared to the complaints previously raised against Kien, the 1913 case seemed rather banal. The director of a funeral parlour complained that Kien favoured his competitor by giving him all the business of burying the bodies of unidentified suicide cases.⁶² The allegations smacked of corruption and kick-backs, but the *contrôle général* placed most of the blame on Kien’s subordinate *Inspecteur* Chopineau. Kien nevertheless got a *blâme sévère* (serious red mark), and although

he had received a *blâme sévère* by Lépine on two previous occasions, this was the first time that the *blâme sévère* was registered in his personnel record.

Although Kien remained in post, there seemed to be increased focus on his performance over the following years. The micro-history of the end of his career thereby provides some important insights into where the limits were drawn of acceptable professional conduct after Lépine's retirement. It also indicates how Kien's new superiors went about undermining his position. In the course of 1915 he was again the subject of a secret investigation by the *contrôle général* sparked by a complaint by a municipal councillor, M. Jousselin. The allegations were similar to those raised in 1898: That *Commissaire* Kien had neglected his duties at the police station while spending most of his time in cafés and restaurants of dubious reputation, often in company with characters known for their links to local criminals. As in 1898, the *contrôle général* describes the original allegations as exaggerated, although the report does not refute the claims that Kien spent much time in cafés and restaurants to the detriment of his duties at the police station. The report also insinuates that Kien was frequently drunk on duty, although no disciplinary action seemed to follow.⁶³

A final note from the police prefecture dated April 1918 implies that Kien had been the object of yet another investigation, although no report from the *contrôle général* has been included in the dossier. On this occasion, the allegations claimed that money was disappearing from the police station, and this time the CID (*police judiciaire*) became involved. Despite the severity of these allegations, a note from Police Prefect Raux to the *police judiciaire* briefly states that Kien's police station overall functioned in a satisfactory manner, although the record keeping was found to be in disarray.

Raux further notices that Kien only checked the records two or three times a week (these were supposed to be updated every day), that financial accounts were not properly kept and that the handling of 'found objects' was unsafe and chaotic.⁶⁴ These are the last documents in Kien's personnel file. As soon as the First World War came to an end, Kien retired at the age of fifty-five – or was he requested to leave?

V

What makes the micro-history of Kien stand out is not only the frequency of complaints made against him, but also the relatively supportive reactions from within the police organisation, despite the chiefs being in full knowledge of the serious problems that had undoubtedly occurred. How was Kien allowed to continue his career despite these incessant complaints and investigations into professional misconduct across more than two decades? One aspect of this probably lies in the importance of patronage and personal support within the Paris police. Since the beginning of the Republican era, police critics and the popular press as well as memoirs from retired police officers were teeming with rumours about how corrupt or problematic policemen got off scot-free because of their connections to people high up in the police hierarchy or to influential politicians. The extent to which rumours of personal connections between individual policemen and influential individuals shaped the functioning of the police is difficult to say. However, patronage *did* play a significant role in the recruitment and promotions within the police. Personal recommendation was a practice institutionalised to such an extent that the pre-printed form detailing the professional background and progress of all police personnel contained a special column for 'Recommendations', which ran through the entire form, so that one could see who had supported the police officer at different stages in his career.

The importance of recommendations is perhaps not surprising in the context of the nervousness of the early Third Republic, when the young republican regime was keen to fill the ranks of the Paris police with politically reliable personnel. Applicants for middle and higher posts in the police had to be recommended by someone within the higher police hierarchy or with known republican credentials. Towards the turn of the century, as the Paris police force had become increasingly professionalised and promotions increasingly rested on professional merit, multiple attempts were made to do away with the recommendation system.⁶⁵

In the case of Kien, it is difficult to overlook patronage as a significant factor in his apparent invulnerability to complaints and disciplinary investigations, as he was going off the rails over a twenty-one-year period. In Kien's career summary there is only one person indicated as providing him with recommendations, but it is an important individual nonetheless: Lucien-Célestin Mouquin, *sous-directeur de la police municipale*, and from 1903 director of the criminal investigation department of the Paris police.⁶⁶ Mouquin was closely associated with Lépine and, as it happens, he was also Kien's half-brother: Mouquin's mother married ex-brigardier Kien when he was eight years old,⁶⁷ and his brother Léon Alexandre was born eleven years his junior. By the time Mouquin recommended his half-brother to the police in 1888, he already held the position as *commissaire* and was well-embarked on his very successful career within the police. Like Kien, Mouquin also appears to be helped along by close family relations. An internal police investigation into Mouquin's political sympathies and activities during the Paris *Commune* makes thinly veiled references to an 'influential' father, whose identity seems to be known to the police.⁶⁸ So despite being the

illegitimate son of a domestic servant, Mouquin had received an education well beyond what could be expected for a young man of his particular social background. According to two internal investigations from the 1870s, Mouquin also had impeccable republican credentials, and even got away with testifying against the police prefecture in the famous 1879 process against the republican newspaper *La Lanterne*.⁶⁹ Because of their different surnames, the close family connection between Kien and Mouquin may not have been obvious to the wider public. Nevertheless, at least one anonymous complaint from 1909 not only mentions this connection, but claims that Kien frequently boasted about being untouchable because he was the *frère de lait* (having the same mother) as Mouquin.⁷⁰ If this anonymous denunciator knew about the connection between Kien and Mouquin, there are reasons to believe that Kien did not make any secret of it. Whether the connection to Mouquin was the key factor that sheltered Kien from serious disciplinary consequences from his professional failings is difficult to know, but it suggests that Kien himself believed it did. Mouquin retired in 1911, and with Lépine's retirement in 1913, Kien's position within the police became noticeably more difficult, eventually untenable.

VI

The career of Kien, as illuminated by this micro-history, gives a unique insight into police-public relations of the Belle Époque by providing evidence of the ambiguous attitude by police authorities towards the public. Police Prefect Lépine was keen on improving the public image of the police, but as this micro-study reveals he showed little interest in any meaningful engagement with the specific concerns expressed by members of the public. While the reports by the *contrôle général* provided him with detailed knowledge of poor behaviour and sloppy professional conduct, Lépine

systematically denied any wrong-doing in communications with critics from outside the police. This allowed a 'problem officers' like Kien to continue his career despite multiple disciplinary investigations and the occasional *blâme sévère*.

Police critics often complained that Parisian police officers were beyond accountability to the public and to the law, but such concerns were brushed off by successive interior ministers. The micro-history of Kien provides evidence that the suspicions by police critics were not completely unjustified.

Despite these frustrations, we see increasing assertiveness from aggrieved individuals and from civil liberties groups such as the LDH or socialist organisations and trade unions. Although this pressure from complainants increasingly placed police chiefs on the back foot, complainants and their supporters very rarely managed to break through the organisational defence of the police prefecture.

The lack of transparency and repeated denial of wrong-doing, particularly in the face of overwhelming evidence to the contrary, seriously undermined public trust and police legitimacy. It also fanned the 'black legend' of the Paris police, and French police forces more generally. It gave some credibility to wild conspiracy theories claiming deep corruption and dark practices within French police forces, well beyond the mundane reality of everyday policing. This was the long-term legacy of Lépine's cover-up of deviant police officers like Kien.

¹ Y. Guyot (1879) *La Préfecture de police par un vieux petit employé* (Paris: La Lanterne); Y. Guyot (1884) *La Police* (Paris: Charpentier), Q. Deluermoz (2012) *Policiers dans la Ville: La Construction d'un Ordre Public à Paris, 1854-1914* (Paris: Sorbonne) pp.172-175.

² J.-M. Berlière, 'La Carrière exceptionnelle d'un commissaire special' in D. Kalifa and P. Karila-Cohen (eds) *Le Commissaire de Police au XIXe Siècle* (Paris: Sorbonne), pp. 173-191 at pp. 178-179, See also Léon Daudet (1934) *La Police politique, ses moyens et ses crimes* (Paris: Denoël).

³ J.-M. Berlière and R. Lévy (2011) *Histoire des Polices en France de l'Ancien Régime à nos Jours* (Paris: Nouveau Monde), pp. 463-465.

⁴ Berlière and Lévy (2011) *Histoire*, p. 461.

⁵ M. Agulhon (1990) *La République 1880-1932* (Paris: Hachette); S. Bernstein and G. Bernstein (1987) *La IIIe République* (Paris: Seuil); P. Bruneteaux (1996) *Maintenir l'Ordre* (Paris: FNSP); G. Carrot (1984) 'Le Maintien de L'ordre: France de la fin de l'Ancien Régime jusqu'à 1968' (Unpublished Thèse d'Etat, Université Nice); J.-M. Mayeur (1973) *Les Débuts de la IIIe République 1871-1898* (Paris: Seuil) and M. Rebérioux (1975) *La République Radicale 1898-1914* (Paris: Seuil). For a critical perspective see J.-P. Machelon (1976) *La République contre les Libertés* (Paris: FNSP).

⁶ J.-M. Berlière (1993) *Le Préfet Lépine: Vers la Naissance de la Police Moderne* (Paris: Denoël); J.-M. Berlière (1996) *Le Monde des Polices en France* (Paris: Complexes); J.-M. Berlière and R. Lévy (2011) *Histoire*; Deluermoz (2012) *Policiers*; and L. López (2014) *La Guerre des Polices n'a pas eu Lieu: Gendarmes et Policiers, Co-acteurs de la Sécurité Publique sous la Troisième République (1870-1914)* (Paris: Sorbonne).

⁷ P. Gottschalk (2009) *Knowledge Management in Police Oversight* (Boca Raton, FLO: Brown Walker Press), pp.16-17 and P. Gottschalk (2010) *Police Management - Professional Integrity in Policing: Criminal Justice, Corrections and Law Enforcement* (New York: Nova Science), p. xii. These are based on categories defined in UNODC (2006) *The Integrity and Accountability of the Police: Criminal Justice Assessment Toolkit*, (New York: United Nations), pp.17-19.

⁸ Gottschalk (2009) *Knowledge Management*, pp.16-17,

⁹ Gottschalk (2009) *Knowledge Management*, pp.16-17.

¹⁰ C.J. Harris (2012) 'The Residual Career Patterns of Police Misconduct', *Journal of Criminal Justice*, 40, pp. 323-32.

¹¹ Harris (2012) 'Residual Career', p. 324.

¹² Archives of the Police Prefecture (hereafter APP), KA 63, *Dossier du Personnel – Kien*.

¹³ APP, KA 90, *Dossier du Personnel – Mouquin*: Report of 26th of March 1874.

¹⁴ APP, KA 63, *Dossier du Personnel – Kien*: Career Summary No. 59.919.

¹⁵ See analysis of the careers of Ernest Raynault (entry 1885) and Gaston Faralicq (entry ca. 1895) in J-M. Berlière (1991) 'Professionalization of the Police under the Third Republic in France 1875-1940' in C. Emsley and B. Weinberger (eds) *Policing in Western Europe: Politics, Professionalism and Public Order, 1850-1940* (New York: Greenwood Press), pp. 36-54 at pp. 39-40.

¹⁶ APP, KA 63, *Dossier du Personnel – Kien*: Career Summary No. 59.919.

¹⁷ Berlière (1991) 'Professionalization', p. 40.

¹⁸ APP, KA 63, *Dossier du Personnel – Kien*: Career Summary No. 59.919.

¹⁹ In France, the position of *commissaire de police* refers to many different posts and the functions of French *commissaires* underwent significant alterations in the course

of the nineteenth century. For further discussion see D. Kalifa and P. Karila-Cohen (2008) 'L'homme de L'entre-deux: L'identité Brouillé du Commissaire de Police au XIXe siècle in Kalifa and Karila-Cohen (eds) *Le Commissaire de Police*, pp. 7-26 at pp. 7-12.

²⁰ See (1880) 'Notes sur la Préfecture de Police' [internal police instructions]. See also Guyot (1884) *La Police*, pp. 98-99.

²¹ Guyot (1884) *La Police*, p. 92.

²² APP, KA 63, *Dossier du Personnel – Kien*: Letter included in the report by Contrôle Général of 23rd of December 1897.

²³ Guyot (1884) *La Police*, p. 144.

²⁴ E. Raynaud (1926) *La Vie Intime des Commissariats: Souvenirs de Police* (Paris: Payot), pp. 11-12. See also M. Anderson (2011) *In thrall to Political Change: Police and Gendarmerie in France* (Oxford: Oxford University Press), p. 31.

²⁵ Commissaire L. Pelantant (1906) *Rapport sur le Service de la Police* (Grenoble: Imprimerie Générale), pp. 26-31.

²⁶ Pelantant (1906) *Rapport*, pp. 12-15 and A. Gigot (1903) 'Des Garanties de la Libérété Individuelle', *Revue Pénitentiaire*: Bulletin de la Société Général des Prisons, Vol. 27, pp. 1070--1082 at p. 1082. See also Berlière, *Lépine*, p. 8.

²⁷ Berliere (1991) 'Professionalization', note 25.

²⁸ Berlière (1991) 'Professionalization', p. 42.

²⁹ See APP, BA 1554, 'Plaintes Contre les Commissaries 1896-1906' and APP, BA 899, 'Plaintes Contre les Commissaries de Police et le Personnel des Commissariats 1907-1911'.

³⁰ Deluermoz makes a similar observation of greater social diversity amongst complainants from the 1890s in a limited number of complaints against police constables. Deluermoz (2012) *Policiers*, pp.261-264.

³¹ W. Irvine (2007) *Between justice and politics: the Ligue des droits de l'homme, 1898-1945* (Stanford: Stanford University Press), pp. 5-6; E. Naquet (2014) *Pour l'humanité: La Ligue des droits de l'homme de l'affaire Dreyfus à la défaite de 1940* (Rennes: Presses Universitaires de Rennes) pp. 43-45 & 70-77.

³² A. Johansen (2013) 'Defending the Individual: The Personal Rights Association and the Ligue des Droits de l'homme, 1871-1916', *European Review of History*, Vol. 20, No. 4, pp. 559-79.

³³ D. Taylor (1997) *The new police in nineteenth-century England: Crime, conflict and control*, (Manchester: Manchester University Press) pp. 77-78. The 'Police Offices (London) Act', 1833, section 10 established procedures whereby police constables, if convicted by two magistrates of disobedience to orders, neglect of duty or misconduct, could be fined up to £ 10 or three months' imprisonment.

³⁴ *Parliamentary Papers*, A Return of all General Orders, Issued by the Magistrates Appointed under the Act of 1829, Since the Formation of the New Police: Instructions Part I, Police Constables, Cmnd. 505, Vol. XXIII (1830), Section 10. For detailed descriptions of rules and procedures in England and Wales see H. Vincent (1912 edition) *A Police Code and General Manual of the Criminal Law* (London: Butterworth and Co.), p. 13 and p. 38.

³⁵ Prussian *Landesverwaltungsgesetz* of 1883.

³⁶ Guyot (1884) *La Police*, p. 257.

³⁷ A. Johansen (forthcoming) 'Beyond the Reach of the Law? The Role of Parisian Courts in Prosecuting Police Malpractice during the Belle Époque', (Work in progress).

³⁸ Berlière (1993) *Le Monde*, p. 73.

³⁹ Berlière (1993) *Le Préfet Lépine*, p. 119.

⁴⁰ Archives Nationales (Paris), F7/13043 'Organisation de la Police, 1906-1936' contains a lot of material on early police unionism 1909-1913, including complaints about levels of disciplining. See also R. Fosdick (1969 edition) *European Police Systems* (Montclair, NJ: Patterson Smith), p. 266.

⁴¹ APP, KA 63, *Dossier du Personnel – Kien*.

⁴² APP, KA 63, *Dossier du Personnel – Kien*: 'Notice de Renseignement', 14th of January 1916 and 17th of January 1917.

⁴³ APP, KA 63, *Dossier du Personnel – Kien*: Report by *Contrôle général*, 23rd of December 1897.

⁴⁴ APP, KA 63, *Dossier du Personnel – Kien*: Letter from Police Prefect Lépine to Kien, 7th of January 1898.

⁴⁵ APP, KA 63, *Dossier du Personnel – Kien*: Complaint from M. Schwartz included in the report by *Contrôle général*, 23rd August 1898

⁴⁶ 'Nombreux vols à Asnière', *Le Journal*, 15th August 1898.

⁴⁷ APP, KA 63, *Dossier du Personnel – Kien*: Report by *Contrôle Général*, 4th November 1898.

⁴⁸ *Ibid.*

⁴⁹ APP, KA 63, *Dossier du Personnel – Kien*: Report from *Contrôle général*, 12th January 1904; Letter from Kien to Police Prefect Lépine, 18th November 1905 in response to a complaint by Mme Gosset; Complaint letter from Oscar Buttner, 14th November 1905.

⁵⁰ APP, KA 63, *Dossier du Personnel – Kien*: Career Summary No. 59.919.

⁵¹ 'Arrêté Volontairement', *L'Aurore*, 2nd July 1899, p.3.

⁵² *L'Aurore*, 8th July 1908.

⁵³ *L'Aurore*, 8th July 1908.

⁵⁴ *L'Aurore*, 7th February 1909, p.2 'La Cour de Cassation rejette les pourvois de Maurice Girard et de Jacques'.

⁵⁵ *L'Aurore*, 4th & 5th February 1909, p.3, 'Le chauffeur Girard en correctionnelle'; *L'Aurore*, 7th February 1909, p.2 'La Cour de Cassation rejette les pourvois de Maurice Girard et de Jacques'.

⁵⁶ Apart from a long article in *L'Humanité*, 17th May 1909, the case is first mentioned the same day in *Le Siècle* and *L'Aurore* and thereafter extensive coverage followed.

⁵⁷ APP, KA 63, *Dossier du Personnel – Kien*: Letter from Clemenceau to Police Prefect Lépine, 1st of June 1909.

⁵⁸ APP, KA 63, *Dossier du Personnel – Kien*: Letter from Clemenceau to Police Prefect Lépine, 1st of June 1909.

⁵⁹ APP, KA 63, *Dossier du Personnel – Kien*: Letter from Police Prefect Lépine to Clemenceau, 29th of June 1909.

⁶⁰ APP, KA 63, *Dossier du Personnel – Kien*: Letter from Police Prefect Lépine to Kien, 20th of June 1909.

⁶¹ For instance, Hennion forcing the retirement of M. Tonry, directeur de la police municipale, in June 1913.

⁶² APP, KA 63, *Dossier du Personnel – Kien*: Report by *Contrôle Général*, 30th of June 1913 [No. 59919].

⁶³ APP, KA 63, *Dossier du Personnel – Kien*: Report by *Contrôle Général*, 13th of December 1915.

⁶⁴ APP, KA 63, *Dossier du Personnel – Kien*: Letter by Police Prefect Fernand Raux to the Director of the Criminal Investigation Department (*Police Judiciaire*), 18th of April 1918.

⁶⁵ Berlière (1991) 'Professionalization', p. 40, note 16.

⁶⁶ APP, KA 90, *Dossier du Personnel – Mouquin*: Career Summary No.54.941.

⁶⁷ APP, KA 90, *Dossier du Personnel – Mouquin*: Report of 26th of March 1874.

⁶⁸ APP, KA 90, *Dossier du Personnel – Mouquin*: Report of 26th of March 1874.

⁶⁹ *La Lanterne*, 7th October 1879, pp. 2-3.

⁷⁰ APP, KA 63, *Dossier du Personnel – Kien*: Anonymous complaints letter of February 1909.